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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,321	03/18/2004	Robert Longman		5771

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EXAMINER

MACASIANO, MARILYN G

ART UNIT	PAPER NUMBER
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3688

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,321	Applicant(s) LONGMAN ET AL.	
	Examiner MARILYN MACASIANO	Art Unit 4137	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 1 objected to because of the following informalities: Claim 1 recites the limitation, "grants" on line 2. To clarify the claim, Examiner suggests using "granting" in

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Loveland (U. S. Pub. No. 2002/0052818).

3. Claim 1: Loveland discloses a method of rewarding or building customer loyalty place of "grants". Appropriate correction is required in which:

a. a company (or a stock issuing business entity) grants its customers with set amount of stock options (or stocks) (paragraph 0019, Sentence 1-3 and paragraph 0056, Sentence 1-3).

b. the initial stock option (or stocks) offering quantity for each customer will be based on each customer's revenue generating potential or any other method or combination of methods as dictated by said company or said business entity (paragraph 0019, Sentence 2 and paragraph 0041, Sentence 1-6).

c. said company (or said business entity) will record each customer's revenue contribution to the company (or said business entity) during each reporting cycle (quarterly, semi-annually, or annually (paragraph 0024, Sentence 1 and paragraph 0056, Sentence 1-3).

d. each customer will be granted additional stock options (or stocks) based on his/her/its revenue contribution to said company (or said business entity) (paragraph 0043, Sentence 4 and paragraph 0071, Sentence 1).

e. reward ratio affects the amount of stock options (or stocks) a customer will receive (paragraph 0089, Sentence 1-4).

f. the more contribution a customer gives, the more stock options (or stocks) he/she/it receives (paragraph 0010, Sentence 1-3 and paragraph 0021, Sentence 1-2).

g. overtime, those customers made momentous contributions to the revenue will become significant shareholders of said company (or said business entity) (paragraph 0040, Sentence 1-2 and paragraph 0044, Sentence 1-3).

h. said company (or business-entity) will be able to reward and retain valuable customers while growing itself at the same time (paragraph 0019, Sentence 1-5 and paragraph 0021, Sentence 1-2).

i. there is a first mover advantage in adopting stock incentive plans for customers (paragraph 0043, Sentence 3-4).

j. said method contains a holding period determined by the said company (or said business entity) so that customers will not be able to sell the company stocks in order to stabilize stock prices and to avoid customers making frequent switches to other companies (paragraph 0024, Sentence 1 and paragraph 0091, Sentence 4-5).

5. With respect to claim 4, Loveland discloses a method as in claim 1 wherein said companies (or business entities) are online companies (paragraph 0020, Sentence 1-3; paragraph 0046, Sentence 1-5 and paragraph 0085, Sentence 1-2).

6. With respect to claim 5, Loveland discloses a method as in claim 1 wherein said companies (or business entities) are traditional offline companies (paragraph 0046, Sentence 1-5 and paragraph 0085, Sentence 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland (U. S. Pub. No. 2002/0052818) in view of Tenenbaum (U.S. Pub. No. 2001/0047295).

9. Claim 2: Loveland discloses a method as in claim 1 above but does not disclose wherein said stock incentive plan (or stock rewarding plan) is for publicly traded companies. Tenenbaum discloses a method wherein said stock incentive plan (or stock rewarding plan) is for publicly traded companies (paragraph 0012, Sentence 1; paragraph 0013, Sentence 1-3; paragraph 0016, Sentence 1-2 and paragraph 0017, Sentence 1). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the stock incentive plan of Loveland to be for a publicly traded company as taught by Tenenbaum. One of ordinary skill would have been motivated to make this modification in order to increase the demand for its own stock, to increase trading volume and to create customer loyalty.

10. Claim 3: Loveland discloses a method as in claim 1 above but does not disclose wherein said stock incentive plan (or stock rewarding plan) is for privately held

Art Unit: 3693

companies. Tenenbaum discloses a method wherein said stock incentive plan (or stock rewarding plan) is for privately held companies (paragraph 0014, Sentence 1; paragraph 0015, Sentence 1-3; paragraph 16, Sentence 1-2; paragraph 0017, Sentence 1 and paragraph 0027, and Sentence 1-3). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the stock incentive plan of Loveland to be for a privately held company as taught by Tenenbaum. One of ordinary skill would have been motivated to make this modification in order for the company to create customer loyalty.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARILYN MACASIANO whose telephone number is (571)270-5205. The examiner can normally be reached on 5/4/9 7:30-5:00 Mon.-Fri. 7:30-4:00 Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fisher can be reached on (571)272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARILYN MACASIANO/
Examiner, Art Unit 4137

/James A. Kramer/
Supervisory Patent Examiner, Art
Unit 3693